

UNITED STATES DISTRICT COURT

for the
Southern District of OhioFILED
RICHARD W. NAGEL
CLERK OF COURT

2021 JUL 19 PM 3:35

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)U.S. Postal Service Priority Mail parcel 9405 5092 0556
8420 2652 94 addressed to "Emanuel Lopez, 898 Wilson
Dr., Columbus, OH 43223-2523"

Case No.

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS
2:21-mj-475

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. Section 841(a)(1)	Possession with intent to distribute a controlled substance
21 U.S.C. Section 843(b)	Prohibited use of a communication facility (U.S. Mail)
21 U.S.C. Section 846	Conspiracy

The application is based on these facts:
See Attachment C

- ☒ Continued on the attached sheet.
- ☒ Delayed notice of 30 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Dominic Francis
Applicant's signatureDominic Francis, US Postal Service OIG Special Agent
Printed name and titleAttested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephone _____ (specify reliable electronic means).Date: 7/19/2021City and state: Columbus, OHNorah M. King
Judge's signatureNorah M. King, United States Magistrate Judge
Printed name and title

Attachment A

U.S. Postal Service Priority Mail parcel 9405 5092 0556 8420 2652 94 addressed to "Emanuel Lopez, 898 Wilson Dr., Columbus, OH 43223-2523"

Attachment B

- 1.) Any controlled substances which constitute evidence of violations of Title 21, United States Code, Sections 841(a)(1), 843(b), and 846.
- 2.) United States currency and/or drug proceeds

Attachment C

Affidavit in Support of Application for Search Warrant

1. I am a Special Agent for the U.S. Postal Service Office of Inspector General (USPS OIG) assigned to conduct general investigations of USPS employees and the abuse of U.S. Mail. I have been a USPS OIG Special Agent since 2019. During this time, I have been assigned to conduct investigations of narcotics and internal mail theft, investigating the mailing of illegal narcotics, their proceeds, and the theft, rifling, destruction, mistreatment, willful delay, or tampering of U.S. Mail. I have training and experience in the enforcement of laws in the United States, including training on how to conduct drug related investigations, search and seizure laws, evidence handling and processing, drug identification and field testing. I am a graduate of the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. I have a bachelor's degree in Economics from The Ohio State University.
2. This Affidavit is made in support of a search warrant for the following property, namely a package associated with United States Postal Service (USPS) Priority Mail, USPS Tracking Number:

a. **9405 5092 0556 8420 2652 94**

as further described in Attachment A, which is incorporated herein by reference. The USPS parcel is hereinafter referred to as TARGET PARCEL. This affidavit is made in support of a warrant to search the TARGET PARCEL for evidence of a crime as well as contraband, fruits of a crime or other items illegally possessed in relation to the following offenses:

- a. Possession with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code § 841,
- b. Use of a Communication Facility, in violation of Title 21, United States Code § 843(b), and
- c. Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of Title 21, United States Code § 846.

A list of the specific items to be seized from the TARGET PARCEL is attached hereto as Attachment B, and Attachment B is incorporated herein by reference.

3. Because this affidavit is submitted in support of the application of the United States to search the parcel, it does not include every fact known concerning this investigation, I

have set forth facts and circumstances that I have relied upon to establish probable cause to justify the issuance of a warrant to search the above-described parcel.

4. Your Affiant has become aware through experience and training that drug traffickers frequently use Priority Mail Express and/or Priority Mail services offered by the USPS, to transport narcotics and other dangerous controlled substances as well as drug proceeds. Each of these mail services are favored for the transport of contraband, both controlled substances and drugs proceeds because they ensure quicker delivery than standard mail service. These priority services charge a higher fee, but are particularly advantageous to drug traffickers because they are reliable and trackable. Notably, these services are not typically used for personal mailings but rather utilized by commercial businesses. Additionally, the higher fees charged by these mail services are usually paid by credit card or an established account and not in cash. As a result of investigations and successful controlled substance prosecutions where Priority Mail Express and/or Priority Mail were used, your Affiant has learned of certain characteristics indicative of other Priority Mail Express and/or Priority Mail items previously identified as containing narcotics or other dangerous controlled substances as well as drug proceeds. Some of these characteristics include, but are not necessarily limited to or used on every occasion - mail service fees paid in cash, parcel is dropped off at post office as compared to Click-N-Ship (USPS service which allows carrier pickup), handwritten label, false or non-existent return address, addressee is not known to receive mail at the listed delivery address, the package is heavily taped, the package is mailed from a known drug source location, labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanating from the package, and the listed address is located in an area of known or suspected drug activity. The advantage of dropping off the package at the post office as well as paying in cash allows the actual shipper to remain anonymous and not provide a paper trail.
5. On July 19, 2021, your Affiant conducted a review of postal records and determined U.S. Postal Service Priority Mail parcel 9405 5092 0556 8420 2652 94 (hereinafter **TARGET PARCEL**) was sent inbound from Lares, Puerto Rico to 898 Wilson Dr., Columbus, OH 43223. The **TARGET PARCEL** weighs approximately 9 pounds 2 ounces. Your Affiant observed that the **TARGET PARCEL** cost \$19.30 to ship to Columbus, Ohio via priority mail 3-day shipping.

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6. Your Affiant observed that the label on the TARGET PARCEL was paid using a third-party shipping service via Pitney Bowes, ComPlsPrice. The destination address on the TARGET PARCEL was "Emanuel Lopez, 898 Wilson Dr., Columbus, OH 43223." The return address on the TARGET PARCEL was "Parts and More, 149 Avenida Los Patriotas, Apt 103, Lares, PR 00669-2349."
7. A review of law enforcement databases identified an Emmanuel TORRES-Lopez as associated with the destination address, 898 Wilson Drive, Columbus, Ohio 43223, having provided this to the Ohio Bureau of Motor Vehicles as his primary residence.
8. Further review of law enforcement databases revealed TORRES-Lopez had been arrested on August 25, 2020, by the Columbus Police Department while in possession of a 9mm handgun and approximately \$7,000 in United States currency. Based upon my training and experience, I know drug traffickers will often arm themselves to prevent being robbed by customers or other drug dealers, and I also know that drug traffickers will often be in possession of large amounts of currency that is derived from the sale of the drugs being trafficked.
9. On July 19, 2021, law enforcement observed that 898 Wilson Drive, Columbus, Ohio 43223, appeared to be both uninhabited and under construction. Based upon my training and experience, I know that drug traffickers will often utilize vacant residences for delivery of parcels believed to contain narcotics in an attempt to prevent detection and interdiction by law enforcement. Because of this, I believe the apparent vacancy at 898 Wilson Drive, Columbus, Ohio 43223, observed by law enforcement raises suspicions regarding the legitimacy of the parcel.

10. According to law enforcement databases, return address 149 Avenida Los Patriotas, Apt 103, Lares, PR 00669-2349 cannot be found to verify it is a valid address. Therefore, because the return address is not valid, the name, "Parts and More," is not associated with the return address. Based upon my training and experience, I know drug traffickers will often utilize fraudulent sender and/or recipient information on parcels containing narcotics in an attempt to prevent detection and interdiction by law enforcement. Based upon the inability to locate a legitimate business at the listed return address, I believe this fraudulent return address raises further suspicions regarding the legitimacy of the parcel.
11. On July 19, 2021, your Affiant took custody of the TARGET PARCEL while it was in the custody of the United States Postal Service in central Ohio. The TARGET PARCEL is currently located at a secure U.S. postal facility located in Columbus, Ohio.
12. On June 19, 2021, your Affiant contacted Ohio State Highway Patrol Trooper Mike Rucker regarding the suspect parcel and to arrange for a narcotics canine to check the parcel. Trooper Rucker is the handler for "Max," a drug detection dog most recently certified through the Ohio State Highway Patrol K9 Training Program for the detection of the odor of: Marijuana, Cocaine, Heroin, Methamphetamines and their derivatives.
13. The TARGET PARCEL was placed in a lineup among other packages varying in size, and Max was allowed to search the entire area. The search was conducted at 850 Twin Rivers Drive in Columbus, Ohio. Trooper Rucker concluded that K-9 Max did alert positively to the TARGET PARCEL. Based on that alert, Trooper Rucker concluded that the odor of one of the drugs that K-9 Max is trained and certified to detect was present.
14. I know based on my training and experience that Puerto Rico is a common originating area for controlled substances sent through the U.S. Mail with the central Ohio area being a common destination point for controlled substances sent through the U.S. Mail. I know based on training and experience that information listed herein identifies common characteristics of a U.S. Postal Service parcel which contains a controlled substance associated with a drug trafficking organization. Based upon my experience and training, this information, along with the parcel being mailed from a known drug source location, being mailed to a known drug destination location is indicative of the parcel containing narcotics.

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15. Based upon the information contained in this affidavit, your Affiant believes that there is probable cause to believe that the parcel described below will contain evidence and/or contraband, fruits of crime, or other items illegally possessed:

a. **Priority Mail, USPS Tracking Number:**
9405 5092 0556 8420 2652 94

WHEREFORE, your Affiant respectfully requests that the Court issue a warrant, authorizing agents of the USPS-OIG, including but not limited to other law enforcement agents and technicians assisting in the above-described investigation, to open, view, photograph, and seize, if necessary, the TARGET PARCEL and its contents.

Further, your Affiant sayeth naught.

Dominic Francis

Dominic Francis
Special Agent
U.S. Postal Service
Office of Inspector General

Sworn and subscribed before me this 19th day of July 2021.


NORAH M. KING
UNITED STATES MAGISTRATE JUDGE